

Janet Napolitano
Governor

Robert B. Pinkert, O.D.
President

Christina M. Sorenson, O.D.
Vice President



Arizona State Board of Optometry
1400 West Washington, Suite 230
Phoenix, AZ 85007

Jack Confer
Executive Director

Telephone (602) 542-8155 • Fax (602) 542-3093

**MEETING NOTICE AND AGENDA FOR REGULAR SESSION MEETING
MARCH 18, 2005 SCHEDULED TO COMMENCE AT 9:00AM**

Americans with Disabilities Act: Persons with disabilities may request reasonable accommodations by contacting the Arizona State Board of Optometry (ASBOO) Executive Director, Jack Confer, at (602) 542-8155. Requests should be made as early as possible to allow time to arrange the accommodation.

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the general public and to the members of the Arizona State Board of Optometry, that a regular meeting, open to the public, will be held on March 18, 2005 at 9:00AM. The meeting will be held at 1400 West Washington, B-1 (Basement) in Phoenix, AZ. For further information regarding agenda material, please contact Margaret Whelan, Licensing Administrator, at (602) 542-8164.

The Board reserves the right to change the order of items on the agenda, except for public hearings set for a specific time. Please note that any recommendations listed on the agenda are merely suggested Board actions.

These recommendations do not become final until adopted by the Board. The Board has the authority to accept, reject or modify any recommendation listed on the agenda.

Board Members

Robert B. Pinkert, O.D., President
Christina M. Sorenson, O.D., Vice-President
Caroline Griego, O.D.
Robert J. Maynard, O.D.
Lawrence Ponemon, PhD
Curtis R. Winkler, M.D.

Staff:

Jack Confer, Executive Director
Margaret Whelan, Licensing Administrator

Legal Counsel:

Dawn Walton Lee, Assistant Attorney General

- | | |
|-------------------------------|---------------------|
| A. CALL TO ORDER: | Dr. Sorenson |
| B. ROLL CALL: | Ms. Whelan |
| C. PRESIDENT'S REPORT: | Dr. Sorenson |

D. INFORMAL INTERVIEW:

The Board may hold an executive session to discuss records exempt by law from public inspection pursuant to A.R.S. § 38-431.03 (A) (2). In addition, the board may hold an executive session to discuss or consult with its' attorney and receive legal advice pursuant to A.R.S. § 38-431.03 (A) (3).

1. ASBOO vs. Neha V. Amin, O.D., IR#200445 [Dr. Griego]

E. REVIEW, CONSIDERATION AND POSSIBLE VOTE CONCERNING REQUEST FOR A HEARING PURSUANT TO A.R.S. § 41-1092.03:

The Board may hold an executive session to discuss records exempt by law from public inspection pursuant to A.R.S. § 38-431.03 (A) (2). In addition, the board may hold an executive session to discuss or consult with its' attorney and receive legal advice pursuant to A.R.S. § 38-431.03 (A) (3).

2. Postponed [Mr. Confer]
3. Postponed [Mr. Confer]

F. REVIEW, DISCUSSION AND VOTE ON INVESTIGATION REVIEWS/COMPLAINTS:

The Board may hold an executive session to discuss records exempt by law from public inspection pursuant to A.R.S. § 38-431.03 (A) (2). In addition, the board may hold an executive session to discuss or consult with its' attorney and receive legal advice pursuant to A.R.S. § 38-431.03 (A) (3).

4. ASBOO vs. Jerry R. Burger, O.D., IR#200448 [Dr. Sorenson]
5. D.N. vs. Gregory V. Meek, O.D., IR#200501 [Dr. Winkler]
6. C.G. vs. Nationwide Vision Center, IR# 200502 [Dr. Maynard]
7. J.T. vs. Jeffrey F. Martin, O.D., IR#200503 [Dr. Sorenson]
8. P.P. vs. Edward B. Frantsvog, O.D., IR# 200504 [Dr. Griego]
9. K.M. vs. Jerry R. Burger, O.D., IR#200505 [Dr. Ponemon]
10. R.W. vs. Christopher C. Carpenter, O.D., IR#200506 [Dr. Maynard]

G. REVIEW, DISCUSSION AND POSSIBLE VOTE REGARDING COMPLIANCE WITH PROBATIONARY ORDERS:

The Board may hold an executive session to discuss records exempt by law from public inspection pursuant to A.R.S. § 38-431.03 (A) (2). In addition, the board may hold an executive session to discuss or consult with its' attorney and receive legal advice pursuant to A.R.S. § 38-431.03 (A) (3).

11. Vincent G. Sanchez, IR#200422 [Mr. Confer]

H. REVIEW, DISCUSSION AND POSSIBLE VOTE REGARDING COMPLIANCE WITH AN ORDER OF PROBATION:

12. Donald SanFilippo, O.D., IR#200252 [Dr. Sorenson]

I. REVIEW, DISCUSSION AND POSSIBLE BLOCK VOTE ON PENDING REGULAR LICENSE APPLICATIONS:

The Board may hold an executive session to discuss records exempt by law from public inspection pursuant to A.R.S. § 38-431.03 (A) (2). The board may hold an executive session to discuss or consult with its' attorney and receive legal advice pursuant to A.R.S. § 38-431.03 (A)(3).

13. Lipton, Carol
14. Withdrawn

J. REVIEW, DISCUSSION AND POSSIBLE VOTE ON PENDING ENDORSEMENT APPLICATIONS:

The Board may hold an executive session to discuss records exempt by law from public inspection pursuant to A.R.S. § 38-431.03 (A) (2). The board may hold an executive session to discuss or consult with its' attorney and receive legal advice pursuant to A.R.S. § 38-431.03 (A) (3).

- 15. Begal, Jerome
- 16. Scatton, Frank

K. REVIEW, DISCUSSION, AND POSSIBLE ACTION ON APPROVAL OF CONTINUING EDUCATION AS PROVIDED BY A.R.S. § 32-1704 (D) and A.A.C. R4-21-208.

The Board may hold an executive session to receive legal advice pursuant to A.R.S. § 38-431.03 (A) (3).

Fiscal Year 2004/2005

	Continuing Education	Date	No. of hours requested
b.	AZoA-Spring Congress	3/31-4/3/05	18 Regular 2 PM
c.	SWCO-Spring Roundup	3/18-3/20/05	37 Regular 10 PM
d.	Dade County Optometric Assoc.-Miami Nice	3/12-3/13/05	15 Regular
e.	Southern AZ Opt. Society-Paradigm Shifts in Mgmt. of Macular Degeneration, Diabetic Macular Edema, Retinal Venous Occlusive Disease	1/11/05	1 Regular
f.	Walmart/Ciba Vision-Silicone Hydrogel Lenses	2/16/05	2 Correspondence
g.	Central AZ Opt. Soc.-Silicone Hydrogel Lenses: Update 2005	2/22/05	2 Regular
h.	IL Opt. Assoc.-Oral Pharmaceuticals in Clinical Practice	2/20/05	6 Regular
i.	Alcon Labs-The changing paradigm in the diagnosis and management of Glaucoma	2/24/05	2 Regular
j.	Hodges Eye Care & Surgical Center-Refractive LASIK and Wave-Front Analysis	3/29/05	2 Regular
k.	Pacific University-Review of Antibacterial Drugs used for Treatment of Ocular Infections	Correspondence	3 Correspondence
l.	MOA-Big Sky Ski Conference	3/3-3/6/05	10 Regular 2 PM
m.	Southwestern Eye Center-Evolution of Glaucoma Mgmt & New Techniques in Cataract Surgery	4/26/05	2 Regular
n.	Midwest Vision Congress & Expo-	5/12-5/15/05	85 Regular
o.	American Opt. Assoc.-108 th Annual AOA Congress	6/22-6/26/05	148 Regular 2 PM

L. REVIEW, DISCUSSION AND POSSIBLE APPROVAL OF BOARD MEETING MINUTES.

The Board may hold an executive session to discuss records exempt by law from public inspection pursuant to A.R.S. § 38-431.03 (A) (2). The board may hold an executive session to discuss or consult with its' attorney and receive legal advice pursuant to A.R.S. § 38-431.03 (A) (3).

- 17. November 19, 2004 Regular Session Meeting Minutes
- 18. January 21, 2005 Regular & Executive Session Meeting Minutes

M. REQUEST FOR CONTINUING EDUCATION DISCRETIONARY EXEMPTION PURSUANT TO A.A.C. R4-21-209.

The Board may hold an executive session to discuss records exempt by law from public inspection pursuant to A.R.S. § 38-431.03 (A) (2). The board may hold an executive session to discuss or consult with its' attorney and receive legal advice pursuant to A.R.S. § 38-431.03 (A) (3).

19. Letter from Richard N. Baim, O.D. requesting extension of continuing education completion

N. EXECUTIVE DIRECTOR'S REPORT:

The board may hold an executive session to discuss or consult with its' attorney and receive legal advice pursuant to A.R.S. § 38-431.03 (A) (3).

- 20. Budget Report (Information Only)
Budget Summary Report
- 21. Board Statistics (Information Only)
- 22. Litigation Update (Information Only)
- 23. Notification of Ombudsman Investigation (Possible Discussion)
- 24. Summary of Investigative Reviews (Possible Discussion)
- 25. Criminal Charge Tracking Update (Possible Discussion)
- 26. Rules (Possible Discussion, Consideration & Vote)
 - a. Delegation of duties and compliance assistance time frame
- 27. CELMO Committee (Possible Discussion, Consideration & Vote)
- 28. Board Correspondence (Possible Discussion, Consideration & vote)
 - a. Correspondence from Rifkin, Livingston, Levitan & Silver, LLC
 - b. Correspondence from DB
 - c. Correspondence from MH
 - d. Correspondence from RL
 - e. Approval of Information Technology Plan from Government Information Technology Agency (GITA)
- 29. Personnel Committee (Possible Consideration, Discussion & Vote)
- 30. Approval of Council on Optometric Practitioner Education ("COPE") Course Reviewers
 - a. Dr. James Mowbray
 - b. Dr. Christina Sorenson

O. CALL TO PUBLIC:

Dr. Pinkert

Those wishing to address the Board need not request permission in advance; however, the Board may limit time of those persons speaking during the Call to the Public. Pursuant to A.R.S. § 38-431.02 (H), the Board can only take action on matters listed on the agenda. If appropriate, actions on public comment matters that are not listed on the agenda will be limited to directing staff to study the matter or schedule the matter for further discussion at a later date.

END OF AGENDA:

Jack Confer, Executive Director

Date